



Senate

General Assembly

File No. 471

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Substitute Senate Bill No. 406

Senate, April 12, 2018

The Committee on Public Health reported through SEN. GERRATANA of the 6th Dist. and SEN. SOMERS of the 18th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE DEPARTMENT OF MENTAL HEALTH
AND ADDICTION SERVICES, CONNECTICUT VALLEY HOSPITAL
AND WHITING FORENSIC HOSPITAL.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) (a) There is established a task force
2 to review and evaluate the duties and operations of the Department of
3 Mental Health and Addiction Services, including the operations,
4 conditions and finances of Connecticut Valley Hospital and Whiting
5 Forensic Hospital.

6 (b) The task force shall consist of the following members:

7 (1) Two appointed by the speaker of the House of Representatives,
8 one of whom shall hold a degree of a doctor of nursing practice or
9 doctor of nursing science and have experience in the provision of care
10 to veterans, and one of whom shall be a former or current union
11 member with a background in nursing and legislative experience;

12 (2) One appointed by the president pro tempore of the Senate, who
13 shall be a forensic psychiatrist affiliated with The University of
14 Connecticut;

15 (3) One appointed by the majority leader of the House of
16 Representatives, who shall be a former or current administrator of a
17 hospital with a bed capacity of at least two hundred;

18 (4) One appointed by the majority leader of the Senate, who shall be
19 a patient advocate or a representative of a nonprofit organization that
20 provides behavioral health services;

21 (5) One appointed by the minority leader of the House of
22 Representatives, who shall be a former commissioner or deputy
23 commissioner of the Department of Mental Health and Addiction
24 Services or the Department of Public Health; and

25 (6) One appointed by the minority leader of the Senate, who shall
26 have law enforcement or corrections experience or experience working
27 in a secured facility.

28 (c) Any member of the task force appointed under subsection (b) of
29 this section may be a member of the General Assembly.

30 (d) All appointments to the task force shall be made not later than
31 thirty days after the effective date of this section. Any vacancy shall be
32 filled by the appointing authority.

33 (e) The chairperson of the task force shall be selected from among its
34 members. Such chairperson shall schedule the first meeting of the task
35 force, which shall be held not later than sixty days after the effective
36 date of this section.

37 (f) The administrative staff of the joint standing committee of the
38 General Assembly having cognizance of matters relating to public
39 health shall serve as administrative staff of the task force.

40 (g) Not later than January 1, 2019, the task force shall submit a

41 preliminary report on its findings and recommendations to the joint
42 standing committee of the General Assembly having cognizance of
43 matters relating to public health, in accordance with the provisions of
44 section 11-4a of the general statutes. Not later than January 1, 2020, the
45 task force shall submit a final report on its findings and
46 recommendations to said joint standing committee. The task force shall
47 terminate on the date that it submits such final report or January 1,
48 2020, whichever is later.

49 Sec. 2. Subsection (a) of section 19a-490 of the 2018 supplement to
50 the general statutes is repealed and the following is substituted in lieu
51 thereof (*Effective from passage*):

52 (a) "Institution" means a hospital, short-term hospital special
53 hospice, hospice inpatient facility, residential care home, nursing home
54 facility, home health care agency, homemaker-home health aide
55 agency, behavioral health facility, assisted living services agency,
56 substance abuse treatment facility, outpatient surgical facility,
57 outpatient clinic, an infirmary operated by an educational institution
58 for the care of students enrolled in, and faculty and employees of, such
59 institution; a facility engaged in providing services for the prevention,
60 diagnosis, treatment or care of human health conditions, including
61 facilities operated and maintained by any state agency; [, except
62 facilities for the care or treatment of mentally ill persons or persons
63 with substance abuse problems;] and a residential facility for persons
64 with intellectual disability licensed pursuant to section 17a-227 and
65 certified to participate in the Title XIX Medicaid program as an
66 intermediate care facility for individuals with intellectual disability.
67 "Institution" does not include any facility for the care and treatment of
68 persons with mental illness or substance use disorder operated or
69 maintained by any state agency, except Whiting Forensic Hospital;

70 Sec. 3. Subdivision (18) of subsection (b) of section 1-210 of the 2018
71 supplement to the general statutes is repealed and the following is
72 substituted in lieu thereof (*Effective from passage*):

73 (18) Records, the disclosure of which the Commissioner of

74 Correction, or as it applies to Whiting Forensic [Division facilities of
75 the Connecticut Valley] Hospital, the Commissioner of Mental Health
76 and Addiction Services, has reasonable grounds to believe may result
77 in a safety risk, including the risk of harm to any person or the risk of
78 an escape from, or a disorder in, a correctional institution or facility
79 under the supervision of the Department of Correction or Whiting
80 Forensic [Division facilities] Hospital. Such records shall include, but
81 are not limited to:

82 (A) Security manuals, including emergency plans contained or
83 referred to in such security manuals;

84 (B) Engineering and architectural drawings of correctional
85 institutions or facilities or Whiting Forensic [Division] Hospital
86 facilities;

87 (C) Operational specifications of security systems utilized by the
88 Department of Correction at any correctional institution or facility or
89 Whiting Forensic [Division] Hospital facilities, except that a general
90 description of any such security system and the cost and quality of
91 such system may be disclosed;

92 (D) Training manuals prepared for correctional institutions and
93 facilities or Whiting Forensic [Division] Hospital facilities that
94 describe, in any manner, security procedures, emergency plans or
95 security equipment;

96 (E) Internal security audits of correctional institutions and facilities
97 or Whiting Forensic [Division] Hospital facilities;

98 (F) Minutes or recordings of staff meetings of the Department of
99 Correction or Whiting Forensic [Division] Hospital facilities, or
100 portions of such minutes or recordings, that contain or reveal
101 information relating to security or other records otherwise exempt
102 from disclosure under this subdivision;

103 (G) Logs or other documents that contain information on the
104 movement or assignment of inmates or staff at correctional institutions

105 or facilities; and

106 (H) Records that contain information on contacts between inmates,
107 as defined in section 18-84, and law enforcement officers;

108 Sec. 4. Subsection (c) of section 1-210 of the 2018 supplement to the
109 general statutes is repealed and the following is substituted in lieu
110 thereof (*Effective from passage*):

111 (c) Whenever a public agency receives a request from any person
112 confined in a correctional institution or facility or a Whiting Forensic
113 [Division] Hospital facility, for disclosure of any public record under
114 the Freedom of Information Act, the public agency shall promptly
115 notify the Commissioner of Correction or the Commissioner of Mental
116 Health and Addiction Services in the case of a person confined in a
117 Whiting Forensic [Division] Hospital facility of such request, in the
118 manner prescribed by the commissioner, before complying with the
119 request as required by the Freedom of Information Act. If the
120 commissioner believes the requested record is exempt from disclosure
121 pursuant to subdivision (18) of subsection (b) of this section, the
122 commissioner may withhold such record from such person when the
123 record is delivered to the person's correctional institution or facility or
124 Whiting Forensic [Division] Hospital facility.

125 Sec. 5. Section 5-145a of the general statutes is repealed and the
126 following is substituted in lieu thereof (*Effective from passage*):

127 Any condition of impairment of health caused by hypertension or
128 heart disease resulting in total or partial disability or death to a
129 member of the security force or fire department of The University of
130 Connecticut or the aeronautics operations of the Department of
131 Transportation, or to a member of the Office of State Capitol Police or
132 any person appointed under section 29-18 as a special policeman for
133 the State Capitol building and grounds, the Legislative Office Building
134 and parking garage and related structures and facilities, and other
135 areas under the supervision and control of the Joint Committee on
136 Legislative Management, or to state personnel engaged in guard or

137 instructional duties in the Connecticut Correctional Institution,
138 Somers, Connecticut Correctional Institution, Enfield-Medium, the
139 Carl Robinson Correctional Institution, Enfield, John R. Manson Youth
140 Institution, Cheshire, the York Correctional Institution, the Connecticut
141 Correctional Center, Cheshire, or the community correctional centers,
142 or to any employee of the Whiting Forensic [Division] Hospital with
143 direct and substantial patient contact, or to any detective, chief
144 inspector or inspector in the Division of Criminal Justice or chief
145 detective, or to any state employee designated as a hazardous duty
146 employee pursuant to an applicable collective bargaining agreement
147 who successfully passed a physical examination on entry into such
148 service, which examination failed to reveal any evidence of such
149 condition, shall be presumed to have been suffered in the performance
150 of his duty and shall be compensable in accordance with the
151 provisions of chapter 568, except that for the first three months of
152 compensability the employee shall continue to receive the full salary
153 which he was receiving at the time of injury in the manner provided
154 by the provisions of section 5-142. Any such employee who began such
155 service prior to June 28, 1985, and was not covered by the provisions of
156 this section prior to said date shall not be required, for purposes of this
157 section, to show proof that he successfully passed a physical
158 examination on entry into such service.

159 Sec. 6. Section 5-173 of the general statutes is repealed and the
160 following is substituted in lieu thereof (*Effective from passage*):

161 (a) A state policeman in the active service of the Division of State
162 Police within the Department of Emergency Services and Public
163 Protection, or any person who is engaged in guard or instructional
164 duties at the Connecticut Correctional Institution, Somers, the
165 Connecticut Correctional Institution, Enfield-Medium, the Carl
166 Robinson Correctional Institution, Enfield, the John R. Manson Youth
167 Institution, Cheshire, the York Correctional Institution, the Connecticut
168 Correctional Center, Cheshire and the community correctional centers,
169 or any person exempt from collective bargaining who is engaged in
170 custodial or instructional duties within the Department of Correction,

171 or any person who is an employee of the Whiting Forensic [Division]
172 Hospital with direct and substantial patient contact, or any person who
173 is employed as a correctional counselor, correctional counselor
174 supervisor, parole officer or parole supervisor or in a comparable job
175 classification by the Board of Pardons and Paroles, or any member of
176 tier I who has been designated as a hazardous duty member pursuant
177 to an applicable collective bargaining agreement, who has reached his
178 forty-seventh birthday and completed at least twenty years of
179 hazardous duty service for the state or service as a state policeman or
180 as guard or instructor at said correctional institutions or correctional
181 centers, or service in a custodial or instructional position within the
182 Department of Correction which is exempt from collective bargaining,
183 or as an employee of the Whiting Forensic [Division] Hospital or its
184 predecessor institutions, or as a correctional counselor, correctional
185 counselor supervisor, parole officer or parole supervisor or in a
186 comparable job classification as an employee of the Board of Pardons
187 and Paroles, shall be retired on his own application or on the
188 application of the Commissioner of Emergency Services and Public
189 Protection or the Commissioner of Correction, as the case may be.

190 (b) On or after October 1, 1982, each such person shall receive a
191 monthly retirement income equal to one-twelfth of (1) fifty per cent of
192 his base salary, as defined in subsection (b) of section 5-162, for such
193 twenty years of service, plus (2) two per cent of his base salary for each
194 year, taken to completed months, of Connecticut state service in excess
195 of twenty years, except that any such person who is both a member of
196 the Division of State Police within the Department of Emergency
197 Services and Public Protection and a member of part B shall receive a
198 permanently reduced retirement income upon reaching the age of
199 sixty-five or, if earlier, upon receipt of Social Security disability
200 benefits or, for any such state policeman, upon receipt of benefits
201 under subsection (d) of section 5-142. Any such state police member
202 shall have his monthly retirement income reduced by an amount equal
203 to one-twelfth of one per cent of four thousand eight hundred dollars
204 multiplied by the number of years of state service, taken to completed
205 months.

206 (c) Any such person who, while so employed, was granted military
207 leave to enter the armed forces, as defined by section 27-103, and who,
208 upon his discharge and within ninety days, returned to such service,
209 shall be granted retirement credit for any period of service in time of
210 war, as defined by said section, and for military service during a
211 national emergency declared by the President of the United States on
212 and after September 1, 1939, toward the required minimum of twenty
213 [years] years' service; and any such person may be granted credit for
214 any such war service prior to such employment upon payment of
215 contributions and interest computed in accordance with subsection (b)
216 of section 5-180, but such service shall not be counted toward the
217 minimum service requirement of twenty years.

218 (d) Any such person who, after retiring from hazardous duty as
219 designated pursuant to a collective bargaining agreement or from the
220 Division of State Police or the employ of the Connecticut Correctional
221 Institution, Somers, the Connecticut Correctional Institution, Enfield-
222 Medium, the Carl Robinson Correctional Institution, Enfield, the John
223 R. Manson Youth Institution, Cheshire, the York Correctional
224 Institution, the Connecticut Correctional Center, Cheshire or a
225 community correctional center, the Whiting Forensic [Division]
226 Hospital or the Board of Pardons and Paroles, as the case may be, is
227 employed by any other state agency may elect to receive the retirement
228 income to which he was entitled at the time of his retirement from such
229 hazardous duty or as a state policeman or employee of the correctional
230 institution or correctional center, forensic [division] hospital or Board
231 of Pardons and Paroles when his employment in such other agency
232 ceases, but he shall not, in that case, be entitled to any retirement
233 income by reason of service in such other agency except as provided in
234 subsection (g) of this section.

235 (e) Notwithstanding the provisions of subsection (a) of this section,
236 any state policeman who serves as Commissioner or Deputy
237 Commissioner of Emergency Services and Public Protection and whose
238 position as commissioner or deputy commissioner is terminated,
239 abolished or eliminated for any reason or who otherwise leaves such

240 position and who has completed twenty years of service as a state
241 policeman but who has not reached his forty-seventh birthday, shall be
242 entitled to a retirement income, in accordance with subsection (b) of
243 this section.

244 (f) A member who has completed twenty years of hazardous duty
245 service under this section, but who leaves such service on or after
246 October 1, 1982, but prior to reaching his forty-seventh birthday shall,
247 upon his own application be entitled to the benefits provided in
248 subsection (b) of this section at any time after reaching his forty-
249 seventh birthday.

250 (g) On and after October 1, 1982, an employee who has met the
251 twenty-year minimum service requirement and is thus eligible for
252 benefits under this section shall have any other Connecticut state
253 employment recognized in calculating the amount of his benefits.

254 Sec. 7. Subsection (d) of section 5-192f of the general statutes is
255 repealed and the following is substituted in lieu thereof (*Effective from*
256 *passage*):

257 (d) "Hazardous duty member" means a member who is a state
258 policeman in the active service of the Division of State Police within
259 the Department of Emergency Services and Public Protection, who is
260 engaged in guard or instructional duties at the Connecticut
261 Correctional Institution, Somers, the Connecticut Correctional
262 Institution, Enfield-Medium, the Carl Robinson Correctional
263 Institution, Enfield, the John R. Manson Youth Institution, Cheshire,
264 the York Correctional Institution, the Connecticut Correctional Center,
265 Cheshire or the community correctional centers, who is an employee of
266 the Whiting Forensic [Division] Hospital or its predecessor institutions
267 with direct and substantial patient contact, who is a detective, chief
268 inspector or inspector in the Division of Criminal Justice or chief
269 detective, who is employed as a correctional counselor, correctional
270 counselor supervisor, parole officer or parole supervisor or in a
271 comparable job classification by the Board of Pardons and Paroles, or
272 who has been designated as a hazardous duty member pursuant to the

273 terms of a collective bargaining agreement.

274 Sec. 8. Subsection (b) of section 17a-450 of the general statutes is
275 repealed and the following is substituted in lieu thereof (*Effective from*
276 *passage*):

277 (b) For the purposes of chapter 48, the Department of Mental Health
278 and Addiction Services shall be organized to promote comprehensive,
279 client-based services in the areas of mental health treatment and
280 substance abuse treatment and to ensure the programmatic integrity
281 and clinical identity of services in each area. The department shall
282 perform the functions of: Centralized administration, planning and
283 program development; prevention and treatment programs and
284 facilities, both inpatient and outpatient, for persons with psychiatric
285 disabilities or persons with substance use disorders, or both;
286 community mental health centers and community or regional
287 programs and facilities providing services for persons with psychiatric
288 disabilities or persons with substance use disorders, or both; training
289 and education; and research and evaluation of programs and facilities
290 providing services for persons with psychiatric disabilities or persons
291 with substance use disorders, or both. The department shall include,
292 but not be limited to, the following divisions and facilities or their
293 successor facilities: The office of the Commissioner of Mental Health
294 and Addiction Services; Capitol Region Mental Health Center;
295 Connecticut Valley Hospital, including the Addictions Division [, the
296 Whiting Forensic Division] and the General Psychiatric Division of
297 Connecticut Valley Hospital; the Whiting Forensic Hospital; the
298 Connecticut Mental Health Center; Ribicoff Research Center; the
299 Southwest Connecticut Mental Health System, including the Franklin
300 S. DuBois Center and the Greater Bridgeport Community Mental
301 Health Center; the Southeastern Mental Health Authority; River Valley
302 Services; the Western Connecticut Mental Health Network; and any
303 other state-operated facility for the treatment of persons with
304 psychiatric disabilities or persons with substance use disorders, or
305 both, but shall not include those portions of such facilities transferred
306 to the Department of Children and Families for the purpose of

307 consolidation of children's services.

308 Sec. 9. Subdivision (3) of subsection (c) of section 17a-450 of the
309 general statutes is repealed and the following is substituted in lieu
310 thereof (*Effective from passage*):

311 (3) Work with public or private agencies, organizations, facilities or
312 individuals to ensure the operation of the programs set forth in
313 accordance with sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-
314 484, inclusive, as amended by this act, 17a-495 to 17a-528, inclusive, as
315 amended by this act, 17a-540 to 17a-550, inclusive, 17a-560 to [17a-576]
316 17a-575, inclusive, as amended by this act, 17a-580 to 17a-603,
317 inclusive, and 17a-615 to 17a-618, inclusive;

318 Sec. 10. Subsection (a) of section 17a-450a of the general statutes is
319 repealed and the following is substituted in lieu thereof (*Effective from*
320 *passage*):

321 (a) The Department of Mental Health and Addiction Services shall
322 constitute a successor department to the Department of Mental Health.
323 Whenever the words "Commissioner of Mental Health" are used or
324 referred to in the following general statutes, the words "Commissioner
325 of Mental Health and Addiction Services" shall be substituted in lieu
326 thereof and whenever the words "Department of Mental Health" are
327 used or referred to in the following general statutes, the words
328 "Department of Mental Health and Addiction Services" shall be
329 substituted in lieu thereof: 4-5, 4-38c, 4-77a, 4a-12, 4a-16, 5-142, 8-206d,
330 10-19, 10-71, 10-76d, 17a-14, 17a-26, 17a-31, 17a-33, 17a-218, 17a-246,
331 17a-450, as amended by this act, 17a-451, 17a-453, 17a-454, 17a-455,
332 17a-456, 17a-457, 17a-458, as amended by this act, 17a-459, 17a-460,
333 17a-464, 17a-465, 17a-466, 17a-467, 17a-468, 17a-470, as amended by
334 this act, 17a-471, 17a-472, as amended by this act, 17a-473, 17a-474, 17a-
335 476, 17a-478, 17a-479, 17a-480, 17a-481, 17a-482, 17a-483, 17a-484, 17a-
336 498, 17a-499, 17a-502, 17a-506, 17a-510, 17a-511, 17a-512, 17a-513, 17a-
337 519, 17a-528, 17a-560, as amended by this act, 17a-561, as amended by
338 this act, 17a-562, as amended by this act, 17a-565, [17a-576,] as
339 amended by this act, 17a-581, 17a-582, 17a-675, 17b-28, 17b-59a, 17b-

340 222, 17b-223, 17b-225, 17b-359, 17b-694, 19a-82, 19a-495, 19a-498, 19a-
341 507a, 19a-507c, 19a-576, 19a-583, 20-14i, 20-14j, 21a-240, 21a-301, 27-
342 122a, 31-222, 38a-514, 46a-28, 51-51o, 52-146h and 54-56d.

343 Sec. 11. Subsection (c) of section 17a-458 of the general statutes is
344 repealed and the following is substituted in lieu thereof (*Effective from*
345 *passage*):

346 (c) "State-operated facilities" means those hospitals or other facilities
347 providing treatment for persons with psychiatric disabilities or for
348 persons with substance use disorders, or both, which are operated in
349 whole or in part by the Department of Mental Health and Addiction
350 Services. Such facilities include, but are not limited to, the Capitol
351 Region Mental Health Center, the Connecticut Valley Hospital,
352 including the Addictions Division [, the Whiting Forensic Division]
353 and the General Psychiatric Division of Connecticut Valley Hospital,
354 the Whiting Forensic Hospital, the Connecticut Mental Health Center,
355 the Franklin S. DuBois Center, the Greater Bridgeport Community
356 Mental Health Center and River Valley Services.

357 Sec. 12. Section 17a-470 of the general statutes is repealed and the
358 following is substituted in lieu thereof (*Effective from passage*):

359 Each state hospital, state-operated facility or the Whiting Forensic
360 [Division of the Connecticut Valley] Hospital for the treatment of
361 persons with psychiatric disabilities or persons with substance use
362 disorders, or both, except the Connecticut Mental Health Center, may
363 have an advisory board appointed by the superintendent or director of
364 the facility for terms to be decided by such superintendent or director.
365 In any case where the present number of members of an advisory
366 board is less than the number of members designated by the
367 superintendent or director of the facility, he shall appoint additional
368 members to such board in accordance with this section in such manner
369 that the terms of an approximately equal number of members shall
370 expire in each odd-numbered year. The superintendent or director
371 shall fill any vacancy that may occur for the unexpired portion of any
372 term. No member may serve more than two successive terms plus the

373 balance of any unexpired term to which he had been appointed. The
374 superintendent or director of the facility shall be an ex-officio member
375 of the advisory board. Each member of an advisory board of a state-
376 operated facility within the Department of Mental Health and
377 Addiction Services assigned a geographical territory shall be a resident
378 of the assigned geographical territory. Members of said advisory
379 boards shall receive no compensation for their services but shall be
380 reimbursed for necessary expenses involved in the performance of
381 their duties. At least one-third of such members shall be from a
382 substance abuse subregional planning and action council established
383 pursuant to section 17a-671, and at least one-third shall be members of
384 the catchment area councils, as provided in section 17a-483, for the
385 catchment areas served by such facility, except that members serving
386 as of October 1, 1977, shall serve out their terms.

387 Sec. 13. Section 17a-471a of the general statutes is repealed and the
388 following is substituted in lieu thereof (*Effective from passage*):

389 (a) The Commissioner of Mental Health and Addiction Services, in
390 consultation and coordination with the advisory council established
391 under subsection (b) of this section, shall develop policies and set
392 standards related to clients residing on the Connecticut Valley
393 Hospital campus and to the discharge of such clients from the hospital
394 into the adjacent community. Any such policies and standards shall
395 assure that no discharge of any client admitted to Whiting Forensic
396 [Division] Hospital under commitment by the Superior Court or
397 transfer from the Department of Correction shall take place without
398 full compliance with sections 17a-511 to 17a-524, inclusive, 17a-566 to
399 17a-575, inclusive, 17a-580 to 17a-603, inclusive, and 54-56d.

400 (b) There is established a Connecticut Valley Hospital Advisory
401 Council that shall advise the Commissioner of Mental Health and
402 Addiction Services on policies concerning, but not limited to, building
403 use, security, clients residing on the campus and the discharge of
404 clients from the [campuses] campus into the adjacent community. In
405 addition, the advisory council shall periodically review the

406 implementation of the policies and standards established by the
407 commissioner in consultation with the advisory council. The council
408 shall be composed of six members appointed by the mayor of
409 Middletown, six members appointed by the Commissioner of Mental
410 Health and Addiction Services and one member who shall serve as
411 chairperson appointed by the Governor.

412 Sec. 14. Section 17a-472 of the general statutes is repealed and the
413 following is substituted in lieu thereof (*Effective from passage*):

414 Except as otherwise provided, the Commissioner of Mental Health
415 and Addiction Services shall appoint and remove (1) the
416 superintendents and directors of state-operated facilities and divisions
417 constituting the Department of Mental Health and Addiction Services,
418 and (2) the director of the Whiting Forensic [Division of Connecticut
419 Valley] Hospital, who shall report to the [director of forensic services]
420 commissioner and shall have as [his] such director's sole responsibility
421 the administration of the Whiting Forensic [Division] Hospital. Each
422 superintendent or director shall be a qualified person with experience
423 in health, hospital or mental health administration.

424 Sec. 15. Section 17a-495 of the general statutes is repealed and the
425 following is substituted in lieu thereof (*Effective from passage*):

426 (a) For the purposes of sections 17a-75 to 17a-83, inclusive, and 17a-
427 615 to 17a-618, inclusive, the following terms shall have the following
428 meanings: "Business day" means Monday to Friday, inclusive, except
429 when a legal holiday falls on any such day; "hospital for psychiatric
430 disabilities" means any public or private hospital, retreat, institution,
431 house or place in which any mentally ill person is received or detained
432 as a patient, but shall not include any correctional institution of this
433 state; "mentally ill person" means any person who has a mental or
434 emotional condition which has substantial adverse effects on his or her
435 ability to function and who requires care and treatment, and
436 specifically excludes a person who is an alcohol-dependent person or a
437 drug-dependent person, as defined in section 17a-680; "patient" means
438 any person detained and taken care of as a mentally ill person; "keeper

439 of a hospital for psychiatric disabilities" means any person, body of
440 persons or corporation which has the immediate superintendence,
441 management and control of a hospital for psychiatric disabilities and
442 the patients therein; "support" includes all necessary food, clothing and
443 medicine and all general expenses of maintaining state hospitals for
444 persons with psychiatric disabilities; "indigent person" means any
445 person who has an estate insufficient, in the judgment of the Court of
446 Probate, to provide for his or her support and has no person or persons
447 legally liable who are able to support him or her; "dangerous to
448 himself or herself or others" means there is a substantial risk that
449 physical harm will be inflicted by an individual upon his or her own
450 person or upon another person, and "gravely disabled" means that a
451 person, as a result of mental or emotional impairment, is in danger of
452 serious harm as a result of an inability or failure to provide for his or
453 her own basic human needs such as essential food, clothing, shelter or
454 safety and that hospital treatment is necessary and available and that
455 such person is mentally incapable of determining whether or not to
456 accept such treatment because his judgment is impaired by his
457 psychiatric disabilities. "Respondent" means a person who is alleged to
458 be mentally ill and for whom an application for commitment to a
459 hospital for persons with psychiatric disabilities has been filed;
460 "voluntary patient" means any patient sixteen years of age or older
461 who applies in writing to and is admitted to a hospital for psychiatric
462 disabilities as a mentally ill person or any patient under sixteen years
463 of age whose parent or legal guardian applies in writing to such
464 hospital for admission of such patient; "involuntary patient" means
465 any patient hospitalized pursuant to an order of a judge of the Probate
466 Court after an appropriate hearing or a patient hospitalized for
467 emergency diagnosis, observation or treatment upon certification of a
468 qualified physician.

469 (b) For the purposes of this section, sections 17a-450 to 17a-484,
470 inclusive, as amended by this act, [17a-495] 17a-496 to 17a-528,
471 inclusive, as amended by this act, 17a-540 to 17a-550, inclusive, and
472 17a-560 to [17a-576] 17a-575, inclusive, as amended by this act, the
473 following terms shall have the following meanings: "Business day"

474 means Monday to Friday, inclusive, except when a legal holiday falls
475 on any such day; "hospital for persons with psychiatric disabilities"
476 means any public or private hospital, retreat, institution, house or
477 place in which any person with psychiatric disabilities is received or
478 detained as a patient, but shall not include any correctional institution
479 of this state; "patient" means any person detained and taken care of as
480 a person with psychiatric disabilities; "keeper of a hospital for persons
481 with psychiatric disabilities" means any person, body of persons or
482 corporation which has the immediate superintendence, management
483 and control of a hospital for persons with psychiatric disabilities and
484 the patients therein; "support" includes all necessary food, clothing and
485 medicine and all general expenses of maintaining state hospitals for
486 persons with psychiatric disabilities; "indigent person" means any
487 person who has an estate insufficient, in the judgment of the Court of
488 Probate, to provide for his or her support and has no person or persons
489 legally liable who are able to support him or her; "dangerous to
490 himself or herself or others" means there is a substantial risk that
491 physical harm will be inflicted by an individual upon his or her own
492 person or upon another person; "gravely disabled" means that a
493 person, as a result of mental or emotional impairment, is in danger of
494 serious harm as a result of an inability or failure to provide for his or
495 her own basic human needs such as essential food, clothing, shelter or
496 safety and that hospital treatment is necessary and available and that
497 such person is mentally incapable of determining whether or not to
498 accept such treatment because his judgment is impaired by his
499 psychiatric disabilities; "respondent" means a person who is alleged to
500 have psychiatric disabilities and for whom an application for
501 commitment to a hospital for persons with psychiatric disabilities has
502 been filed; "voluntary patient" means any patient sixteen years of age
503 or older who applies in writing to and is admitted to a hospital for
504 persons with psychiatric disabilities as a person with psychiatric
505 disabilities or any patient under sixteen years of age whose parent or
506 legal guardian applies in writing to such hospital for admission of such
507 patient; and "involuntary patient" means any patient hospitalized
508 pursuant to an order of a judge of the Probate Court after an

509 appropriate hearing or a patient hospitalized for emergency diagnosis,
510 observation or treatment upon certification of a qualified physician.

511 (c) For the purposes of this section and sections [17a-495] 17a-496 to
512 17a-528, inclusive, as amended by this act, "person with psychiatric
513 disabilities" means any person who has a mental or emotional
514 condition which has substantial adverse effects on his or her ability to
515 function and who requires care and treatment, and specifically
516 excludes a person who is an alcohol-dependent person or a drug-
517 dependent person, as defined in section 17a-680.

518 (d) For the purposes of sections 17a-453, [to] 17a-454, [inclusive,]
519 17a-456, 17a-458 to 17a-464, inclusive, as amended by this act, 17a-466
520 to 17a-469, inclusive, 17a-471, 17a-474, 17a-476 to 17a-484, inclusive,
521 17a-540 to 17a-550, inclusive, 17a-560 to [17a-576] 17a-575, inclusive, as
522 amended by this act, and 17a-615 to 17a-618, inclusive, "person with
523 psychiatric disabilities" means any person who has a mental or
524 emotional condition which has substantial adverse effects on his or her
525 ability to function and who requires care and treatment, and
526 specifically includes a person who is an alcohol-dependent person or a
527 drug-dependent person, as defined in section 17a-680.

528 Sec. 16. Section 17a-496 of the general statutes is repealed and the
529 following is substituted in lieu thereof (*Effective from passage*):

530 Any keeper of a hospital for psychiatric disabilities who wilfully
531 violates any of the provisions of this section, sections 17a-75 to 17a-83,
532 inclusive, 17a-450 to 17a-484, inclusive, as amended by this act, [17a-
533 495] 17a-497 to 17a-528, inclusive, as amended by this act, 17a-540 to
534 17a-550, inclusive, 17a-560 to [17a-576] 17a-575, inclusive, as amended
535 by this act, and 17a-615 to 17a-618, inclusive, shall be fined not more
536 than two hundred dollars or imprisoned not more than one year or
537 both.

538 Sec. 17. Subsection (b) of section 17a-497 of the general statutes is
539 repealed and the following is substituted in lieu thereof (*Effective from*
540 *passage*):

541 (b) Upon the motion of any respondent or his or her counsel, or the
542 probate judge having jurisdiction over such application, filed not later
543 than three days prior to any hearing scheduled on such application,
544 the Probate Court Administrator shall appoint a three-judge court
545 from among the probate judges to hear such application. The judge of
546 the Probate Court having jurisdiction over such application under the
547 provisions of this section shall be a member, provided such judge may
548 disqualify himself in which case all three members of such court shall
549 be appointed by the Probate Court Administrator. Such three-judge
550 court when convened shall have all the powers and duties set forth
551 under sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive,
552 as amended by this act, 17a-495 to 17a-528, inclusive, as amended by
553 this act, 17a-540 to 17a-550, inclusive, 17a-560 to [17a-576] 17a-575,
554 inclusive, as amended by this act, and 17a-615 to 17a-618, inclusive,
555 and shall be subject to all of the provisions of law as if it were a single-
556 judge court. No such respondent shall be involuntarily confined
557 without the vote of at least two of the three judges convened
558 hereunder. The judges of such court shall designate a chief judge from
559 among their members. All records for any case before the three-judge
560 court shall be maintained in the Probate Court having jurisdiction over
561 the matter as if the three-judge court had not been appointed.

562 Sec. 18. Subsection (g) of section 17a-498 of the general statutes is
563 repealed and the following is substituted in lieu thereof (*Effective from*
564 *passage*):

565 (g) The hospital shall notify each patient at least annually that such
566 patient has a right to a further hearing pursuant to this section. If the
567 patient requests such hearing, it shall be held by the Probate Court for
568 the district in which the hospital is located. Any such request shall be
569 immediately filed with the appropriate court by the hospital. After
570 such request is filed with the Probate Court, it shall proceed in the
571 manner provided in subsections (a), (b), (c) and (f) of this section. In
572 addition, the hospital shall furnish the Probate Court for the district in
573 which the hospital is located on a monthly basis with a list of all
574 patients confined in the hospital involuntarily without release for one

575 year since the last annual review under this section of the patient's
576 commitment or since the original commitment. The hospital shall
577 include in such notification the type of review the patient last received.
578 If the patient's last annual review had a hearing, the Probate Court
579 shall, within fifteen business days thereafter, appoint an impartial
580 physician who is a psychiatrist from the list provided by the
581 Commissioner of Mental Health and Addiction Services as set forth in
582 subsection (c) of this section and not connected with the hospital in
583 which the patient is confined or related by blood or marriage to the
584 original applicant or to the respondent, which physician shall see and
585 examine each such patient within fifteen business days after such
586 physician's appointment and make a report forthwith to such court of
587 the condition of the patient on forms provided by the Probate Court
588 Administrator. If the Probate Court concludes that the confinement of
589 any such patient should be reviewed by such court for possible release
590 of the patient, the court, on its own motion, shall proceed in the
591 manner provided in subsections (a), (b), (c) and (f) of this section,
592 except that the examining physician shall be considered one of the
593 physicians required by subsection (c) of this section. If the patient's last
594 annual review did not result in a hearing, and in any event at least
595 every two years, the Probate Court shall, within fifteen business days,
596 proceed with a hearing in the manner provided in subsections (a), (b),
597 (c) and (f) of this section. All costs and expenses, including Probate
598 Court entry fees provided by statute, in conjunction with the annual
599 psychiatric review and the judicial review under this subsection,
600 except costs for physicians appointed pursuant to this subsection, shall
601 be established by, and paid from funds appropriated to, the Judicial
602 Department, except that if funds have not been included in the budget
603 of the Judicial Department for such costs and expenses, such payment
604 shall be made from the Probate Court Administration Fund.
605 Compensation of any physician appointed to conduct the annual
606 psychiatric review, to examine a patient for any hearing held as a
607 result of such annual review or for any other biennial hearing required
608 pursuant to sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484,
609 inclusive, as amended by this act, 17a-495 to 17a-528, inclusive, as

610 amended by this act, 17a-540 to 17a-550, inclusive, 17a-560 to [17a-576]
611 17a-575, inclusive, as amended by this act, and 17a-615 to 17a-618,
612 inclusive, shall be paid by the state from funds appropriated to the
613 Department of Mental Health and Addiction Services in accordance
614 with rates established by the Department of Mental Health and
615 Addiction Services.

616 Sec. 19. Section 17a-499 of the general statutes is repealed and the
617 following is substituted in lieu thereof (*Effective from passage*):

618 All proceedings of the Probate Court, upon application made under
619 the provisions of sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-
620 484, inclusive, as amended by this act, 17a-495 to 17a-528, inclusive, as
621 amended by this act, 17a-540 to 17a-550, inclusive, 17a-560 to [17a-576]
622 17a-575, inclusive, as amended by this act, and 17a-615 to 17a-618,
623 inclusive, shall be in writing and filed in such court, and, whenever a
624 court passes an order for the admission of any person to any state
625 hospital for psychiatric disabilities, the court shall record the order and
626 give a certified copy of such order and of the reports of the physicians
627 to the person by whom such person is to be taken to the hospital, as
628 the warrant for such taking and commitment, and shall also forthwith
629 transmit a like copy to the Commissioner of Mental Health and
630 Addiction Services, and, in the case of a person in the custody of the
631 Commissioner of Correction, to the Commissioner of Correction.
632 Whenever a court passes an order for the commitment of any person to
633 any hospital for psychiatric disabilities, it shall, within three business
634 days, provide the Commissioner of Mental Health and Addiction
635 Services with access to identifying information including, but not
636 limited to, name, address, sex, date of birth and date of commitment
637 on all commitments ordered on and after June 1, 1998. All commitment
638 applications, orders of commitment and commitment papers issued by
639 any court in committing persons with psychiatric disabilities to public
640 or private hospitals for psychiatric disabilities shall be in accordance
641 with a form prescribed by the Probate Court Administrator, which
642 form shall be uniform throughout the state. State hospitals and other
643 hospitals for persons with psychiatric disabilities shall, so far as they

644 are able, upon reasonable request of any officer of a court having the
645 power of commitment, send one or more trained attendants or nurses
646 to attend any hearing concerning the commitment of any person with
647 psychiatric disabilities and any such attendant or nurse, when present,
648 shall be designated by the court as the authority to serve commitment
649 process issued under the provisions of sections 17a-75 to 17a-83,
650 inclusive, 17a-450 to 17a-484, inclusive, as amended by this act, 17a-495
651 to 17a-528, inclusive, as amended by this act, 17a-540 to 17a-550,
652 inclusive, 17a-560 to [17a-576] 17a-575, inclusive, as amended by this
653 act, and 17a-615 to 17a-618, inclusive.

654 Sec. 20. Subsection (a) of section 17a-500 of the general statutes is
655 repealed and the following is substituted in lieu thereof (*Effective from*
656 *passage*):

657 (a) Each court of probate shall keep a record of the cases relating to
658 persons with psychiatric disabilities coming before it under sections
659 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, as amended
660 by this act, 17a-495 to 17a-528, inclusive, as amended by this act, 17a-
661 540 to 17a-550, inclusive, 17a-560 to [17a-576] 17a-575, inclusive, as
662 amended by this act, and 17a-615 to 17a-618, inclusive, and the
663 disposition of them. It shall also keep on file the original application
664 and certificate of physicians required by said sections, or a microfilm
665 duplicate of such records in accordance with regulations issued by the
666 Probate Court Administrator. All records maintained in the courts of
667 probate under the provisions of said sections shall be sealed and
668 available only to the respondent or his or her counsel unless the Court
669 of Probate, after hearing held with notice to the respondent,
670 determines such records should be disclosed for cause shown.

671 Sec. 21. Section 17a-501 of the general statutes is repealed and the
672 following is substituted in lieu thereof (*Effective from passage*):

673 Any person with psychiatric disabilities, the expense of whose
674 support is paid by himself or by another person, may be committed to
675 any institution for the care of persons with psychiatric disabilities
676 designated by the person paying for such support; and any indigent

677 person with psychiatric disabilities, not a pauper, committed under the
678 provisions of sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484,
679 inclusive, as amended by this act, 17a-495 to 17a-528, inclusive, as
680 amended by this act, 17a-540 to 17a-550, inclusive, 17a-560 to [17a-576]
681 17a-575, inclusive, as amended by this act, and 17a-615 to 17a-618,
682 inclusive, shall be committed to any state hospital for psychiatric
683 disabilities which is equipped to receive him, at the discretion of the
684 Court of Probate, upon consideration of a request made by the person
685 applying for such commitment.

686 Sec. 22. Section 17a-504 of the general statutes is repealed and the
687 following is substituted in lieu thereof (*Effective from passage*):

688 Any person who wilfully and maliciously causes, or attempts to
689 cause, or who conspires with any other person to cause, any person
690 who does not have psychiatric disabilities to be committed to any
691 hospital for psychiatric disabilities, and any person who wilfully
692 certifies falsely to the psychiatric disabilities of any person in any
693 certificate provided for in sections 17a-75 to 17a-83, inclusive, 17a-450
694 to 17a-484, inclusive, as amended by this act, 17a-495 to 17a-528,
695 inclusive, as amended by this act, 17a-540 to 17a-550, inclusive, 17a-560
696 to [17a-576] 17a-575, inclusive, as amended by this act, and 17a-615 to
697 17a-618, inclusive, and any person who, under the provisions of said
698 sections relating to persons with psychiatric disabilities, wilfully
699 reports falsely to any court or judge that any person has psychiatric
700 disabilities, shall be guilty of a class D felony.

701 Sec. 23. Section 17a-505 of the general statutes is repealed and the
702 following is substituted in lieu thereof (*Effective from passage*):

703 When any female with psychiatric disabilities is escorted to a state
704 hospital for persons with psychiatric disabilities by a male guard,
705 attendant or other employee of a correctional or reformatory
706 institution, or by a male law enforcement officer, under the provisions
707 of sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, as
708 amended by this act, 17a-495 to 17a-528, inclusive, as amended by this
709 act, 17a-540 to 17a-550, inclusive, 17a-560 to [17a-576] 17a-575,

710 inclusive, as amended by this act, and 17a-615 to 17a-618, inclusive, the
711 person so escorting her shall be accompanied by an adult member of
712 her family or at least one woman.

713 Sec. 24. Section 17a-517 of the general statutes is repealed and the
714 following is substituted in lieu thereof (*Effective from passage*):

715 [If any] Any person in the custody of the Commissioner of
716 Correction who is brought to a hospital pursuant to the provisions of
717 sections 17a-499, as amended by this act, 17a-509, 17a-512 to [17a-517]
718 17a-516, inclusive, 17a-520, 17a-521, [and] as amended by this act, or
719 54-56d [is a desperate or dangerous individual, such person] shall be
720 hospitalized in the Whiting Forensic [Division] Hospital. If the Whiting
721 Forensic [Division] Hospital is unable to accommodate such transfer,
722 then such person shall remain in the custody of the commissioner at a
723 correctional institution, there confined under appropriate care and
724 supervision. Under no circumstances shall an inmate with psychiatric
725 disabilities requiring maximum security conditions be placed in a state
726 hospital for persons with psychiatric disabilities which does not have
727 the facilities and trained personnel to provide appropriate care and
728 supervision for such individuals.

729 Sec. 25. Section 17a-519 of the general statutes is repealed and the
730 following is substituted in lieu thereof (*Effective from passage*):

731 Each officer or indifferent person making legal service of any order,
732 notice, warrant or other paper under the provisions of sections 17a-75
733 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, as amended by this
734 act, 17a-495 to 17a-528, inclusive, as amended by this act, 17a-540 to
735 17a-550, inclusive, 17a-560 to [17a-576] 17a-575, inclusive, as amended
736 by this act, and 17a-615 to 17a-618, inclusive, shall be entitled to the
737 same compensation as is by law provided for like services in civil
738 causes. Physicians, for examining a person alleged to have psychiatric
739 disabilities and making a certificate as provided by said sections, shall
740 be entitled to a reasonable compensation established by the
741 Commissioner of Mental Health and Addiction Services. The fees of
742 the courts of probate shall be such as are provided by law for similar

743 services. The Superior Court, on an appeal, may tax costs at its
744 discretion.

745 Sec. 26. Section 17a-521 of the general statutes is repealed and the
746 following is substituted in lieu thereof (*Effective from passage*):

747 Except as otherwise provided in this section, the superintendent [or
748 keeper] of any institution used wholly or in part for the care of persons
749 with psychiatric disabilities or the director of the Whiting Forensic
750 [Division] Hospital may, under such provisions or agreements as [he]
751 the director deems advisable for psychiatric supervision, permit any
752 patient of the institution under [his] the director's charge temporarily
753 to leave such institution, in charge of his guardian, relatives or friends,
754 or by himself or herself. A person confined to a hospital for psychiatric
755 disabilities under the provisions of section 17a-584 may leave the
756 hospital temporarily as provided under the provisions of section 17a-
757 587. In the case of committed persons, the original order of
758 commitment shall remain in force and effect during absence from the
759 institution either on authorized or unauthorized leave until such
760 patient is officially discharged by the authorities of such institution or
761 such order is superseded by a court of competent jurisdiction. In the
762 case of a patient on authorized leave, if it appears to be for the best
763 interest of the public or for the interest and benefit of such patient, [he]
764 the patient may return or be returned by [his] the patient's guardian,
765 relatives or friends or [he] the patient may be recalled by the
766 authorities of such institution, at any time during such temporary
767 absence and prior to [his] the patient's official discharge. With respect
768 both to patients on authorized and unauthorized leave, state or local
769 police shall, on the request of the authorities of any such institution,
770 assist in the rehospitization of any patient on temporary leave or of
771 any other patient committed to such institution by a court of
772 competent jurisdiction or any person who is a patient under the
773 provisions of section 17a-502, if, in the opinion of such authorities, the
774 patient's condition warrants such assistance. The expense, if any, of
775 such recall or return shall, in the case of an indigent, be paid by those
776 responsible for [his] the patient's support or, in the case of a pauper, by

777 the state. Leave under this section shall not be available to any person
778 who is under a term of imprisonment or who has not met the
779 requirements of the condition of release set to provide reasonable
780 assurance of such person's appearance in court.

781 Sec. 27. Section 17a-525 of the general statutes is repealed and the
782 following is substituted in lieu thereof (*Effective from passage*):

783 Any person aggrieved by an order, denial or decree of a Probate
784 Court under sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484,
785 inclusive, as amended by this act, 17a-495 to 17a-528, inclusive, as
786 amended by this act, 17a-540 to 17a-550, inclusive, 17a-560 to [17a-576]
787 17a-575, inclusive, as amended by this act, and 17a-615 to 17a-618,
788 inclusive, including any relative or friend, on behalf of any person
789 found to have psychiatric disabilities, shall have the right of appeal in
790 accordance with sections 45a-186 to 45a-193, inclusive. On the trial of
791 an appeal, the Superior Court may require the state's attorney or, in the
792 state's attorney's absence, some other practicing attorney of the court to
793 be present for the protection of the interests of the state and of the
794 public.

795 Sec. 28. Subsection (a) of section 17a-528 of the general statutes is
796 repealed and the following is substituted in lieu thereof (*Effective from*
797 *passage*):

798 (a) When any person is found to have psychiatric disabilities, and is
799 committed to a state hospital for psychiatric disabilities, upon
800 proceedings had under sections 17a-75 to 17a-83, inclusive, 17a-450 to
801 17a-484, inclusive, as amended by this act, 17a-495 to 17a-528,
802 inclusive, as amended by this act, 17a-540 to 17a-550, inclusive, 17a-560
803 to [17a-576] 17a-575, inclusive, as amended by this act, and 17a-615 to
804 17a-618, inclusive, all fees and expenses incurred upon the probate
805 commitment proceedings, payment of which is not otherwise provided
806 for under said sections, shall be paid by the state within available
807 appropriations from funds appropriated to the Department of Mental
808 Health and Addiction Services in accordance with rates established by
809 said department; and, if such person is found not to have psychiatric

810 disabilities, such fees and expenses shall be paid by the applicant.

811 Sec. 29. Subsection (a) of section 17a-548 of the general statutes is
812 repealed and the following is substituted in lieu thereof (*Effective from*
813 *passage*):

814 (a) Any patient shall be permitted to wear his or her own clothes; to
815 keep and use personal possessions including toilet articles; [except for
816 patients hospitalized in Whiting Forensic Division;] to be present
817 during any search of his or her personal possessions, except a patient
818 hospitalized in the maximum security service of Whiting Forensic
819 Hospital; to have access to individual storage space for such
820 possessions; and in such manner as determined by the facility to spend
821 a reasonable sum of his or her own money for canteen expenses and
822 small purchases. These rights shall be denied only if the
823 superintendent, director [.] or his or her authorized representative
824 determines that it is medically harmful to the patient to exercise such
825 rights. An explanation of such denial shall be placed in the patient's
826 permanent clinical record.

827 Sec. 30. Section 17a-560 of the general statutes is repealed and the
828 following is substituted in lieu thereof (*Effective from passage*):

829 As used in sections 17a-560 to [17a-576] 17a-575, inclusive, as
830 amended by this act, unless specifically provided otherwise,
831 ["division"], "hospital" means the Whiting Forensic [Division] Hospital,
832 including the diagnostic unit established under the provisions of
833 section 17a-562, as amended by this act, or any other facility of the
834 Department of Mental Health and Addiction Services which the
835 commissioner may designate as appropriate. The words ["institute"]
836 "hospital" or "diagnostic unit", as used in sections 17a-566, as amended
837 by this act, 17a-567, as amended by this act, 17a-570, as amended by
838 this act, and [17a-576] 17a-575, as amended by this act, when applied to
839 children or youths under the age of eighteen, mean any facility of the
840 Department of Children and Families designated by the Commissioner
841 of Children and Families. "Board" means the advisory and review
842 board appointed under the provisions of section 17a-565, as amended

843 by this act. "Commissioner" means the Commissioner of Mental Health
844 and Addiction Services or in the case of children, the Commissioner of
845 Children and Families.

846 Sec. 31. Section 17a-561 of the general statutes is repealed and the
847 following is substituted in lieu thereof (*Effective from passage*):

848 The Whiting Forensic [Division of the Connecticut Valley] Hospital
849 shall exist for the care and treatment of (1) patients with psychiatric
850 disabilities, confined in facilities under the control of the Department
851 of Mental Health and Addiction Services, including persons who
852 require care and treatment under maximum security conditions, (2)
853 persons convicted of any offense enumerated in section 17a-566, as
854 amended by this act, who, after examination by the staff of the
855 diagnostic unit of the [division] hospital as herein provided, are
856 determined to have psychiatric disabilities and be dangerous to
857 themselves or others and to require custody, care and treatment at the
858 [division and] hospital, (3) inmates in the custody of the Commissioner
859 of Correction who are transferred in accordance with sections 17a-512
860 to 17a-517, inclusive, as amended by this act, and who require custody,
861 care and treatment at the [division] hospital, and (4) persons
862 committed to the hospital pursuant to section 17a-582 or 54-56d.

863 Sec. 32. Section 17a-562 of the general statutes is repealed and the
864 following is substituted in lieu thereof (*Effective from passage*):

865 The Whiting Forensic [Division of the Connecticut Valley] Hospital
866 shall be within the general administrative control and supervision of
867 the Department of Mental Health and Addiction Services. The director,
868 with the approval of the commissioner and the board, shall establish
869 such [subdivisions] divisions, which may be located geographically
870 separate from the [division] hospital, as may be deemed proper for the
871 administrative control and the efficient operation thereof, one of which
872 [subdivisions] divisions shall be the diagnostic unit.

873 Sec. 33. Section 17a-564 of the general statutes is repealed and the
874 following is substituted in lieu thereof (*Effective from passage*):

875 The director of the Whiting Forensic [Division] Hospital shall
876 quarterly make a report to the Board of Mental Health and Addiction
877 Services on the affairs of the [division] hospital, including reports of
878 reexaminations and recommendations.

879 Sec. 34. Section 17a-565 of the general statutes is repealed and the
880 following is substituted in lieu thereof (*Effective from passage*):

881 There shall be an advisory board for [the division] Whiting Forensic
882 Hospital, constituted as follows: The Commissioner of Mental Health
883 and Addiction Services, three physicians licensed to practice in this
884 state, two of whom shall be psychiatrists, two attorneys of this state, at
885 least one of whom shall be in active practice and have at least five
886 years' experience in the trial of criminal cases, one licensed
887 psychologist with experience in clinical psychology, one licensed
888 clinical social worker, and one person actively engaged in business
889 who shall have at least ten years' experience in business management.
890 Annually, on October first, the Governor shall appoint a member or
891 members to replace those whose terms expire for terms of five years
892 each. The board shall elect a chairman and a secretary, who shall keep
893 full and accurate minutes of its meetings and preserve the same. The
894 board shall meet at the call of the chairman at least quarterly. Members
895 of the board shall receive no compensation for their duties as such but
896 shall be reimbursed for their actual expenses incurred in the course of
897 their duties. Said board shall confer with the staff of the [division]
898 hospital and give general consultative and advisory services on
899 problems and matters relating to its work. On any matter relating to
900 the work of the [division] hospital, the board may also confer with the
901 warden or superintendent of the affected Connecticut correctional
902 institution.

903 Sec. 35. Section 17a-566 of the general statutes is repealed and the
904 following is substituted in lieu thereof (*Effective from passage*):

905 (a) Except as provided in section 17a-574, as amended by this act,
906 any court prior to sentencing a person convicted of an offense for
907 which the penalty may be imprisonment in the Connecticut

908 Correctional Institution at Somers, or of a sex offense involving (1)
909 physical force or violence, (2) disparity of age between an adult and a
910 minor or (3) a sexual act of a compulsive or repetitive nature, may if it
911 appears to the court that such person has psychiatric disabilities and is
912 dangerous to himself or others, upon its own motion or upon request
913 of any of the persons enumerated in subsection (b) of this section and a
914 subsequent finding that such request is justified, order the
915 commissioner to conduct an examination of the convicted defendant
916 by qualified personnel of the [division] hospital. Upon completion of
917 such examination the examiner shall report in writing to the court.
918 Such report shall indicate whether the convicted defendant should be
919 committed to the diagnostic unit of the [division] hospital for
920 additional examination or should be sentenced in accordance with the
921 conviction. Such examination shall be conducted and the report made
922 to the court not later than fifteen days after the order for the
923 examination. Such examination may be conducted at a correctional
924 facility if the defendant is confined or it may be conducted on an
925 outpatient basis at the [division] hospital or other appropriate location.
926 If the report recommends additional examination at the diagnostic
927 unit, the court may, after a hearing, order the convicted defendant
928 committed to the diagnostic unit of the [division] hospital for a period
929 not to exceed sixty days, except as provided in section 17a-567, as
930 amended by this act, provided the hearing may be waived by the
931 defendant. Such commitment shall not be effective until the director
932 certifies to the court that space is available at the diagnostic unit. While
933 confined in said diagnostic unit, the defendant shall be given a
934 complete physical and psychiatric examination by the staff of the unit
935 and may receive medication and treatment without his consent. The
936 director shall have authority to procure all court records, institutional
937 records and probation or other reports which provide information
938 about the defendant.

939 (b) The request for such examination may be made by the state's
940 attorney or assistant state's attorney who prosecuted the defendant for
941 an offense specified in this section, or by the defendant or his attorney
942 in his behalf. If the court orders such examination, a copy of the

943 examination order shall be served upon the defendant to be examined.

944 (c) Upon completion of the physical and psychiatric examination of
945 the defendant, but not later than sixty days after admission to the
946 diagnostic unit, a written report of the results thereof shall be filed in
947 quadruplicate with the clerk of the court before which he was
948 convicted, and such clerk shall cause copies to be delivered to the
949 state's attorney, to counsel for the defendant and to the Court Support
950 Services Division.

951 (d) Such report shall include the following: (1) A description of the
952 nature of the examination; (2) a diagnosis of the mental condition of
953 the defendant; (3) an opinion as to whether the diagnosis and
954 prognosis demonstrate clearly that the defendant is actually dangerous
955 to himself or others and requires custody, care and treatment at the
956 [division] hospital; and (4) a recommendation as to whether the
957 defendant should be sentenced in accordance with the conviction,
958 sentenced in accordance with the conviction and confined in the
959 [institute] hospital for custody, care and treatment, placed on
960 probation by the court or placed on probation by the court with the
961 requirement, as a condition to probation, that he receive outpatient
962 psychiatric treatment.

963 Sec. 36. Section 17a-567 of the general statutes is repealed and the
964 following is substituted in lieu thereof (*Effective from passage*):

965 (a) If the report recommends that the defendant be sentenced in
966 accordance with the conviction, placed on probation by the court or
967 placed on probation by the court with the requirement, as a condition
968 of such probation, that he receive outpatient psychiatric treatment, the
969 defendant shall be returned directly to the court for disposition. If the
970 report recommends sentencing in accordance with the conviction and
971 confinement in the [division] hospital for custody, care and treatment,
972 then during the period between the submission of the report and the
973 disposition of the defendant by the court such defendant shall remain
974 at the [division] hospital and may receive such custody, care and
975 treatment as is consistent with his medical needs.

976 (b) If the report recommends confinement at the [division] hospital
977 for custody, care and treatment, the court shall set the matter for a
978 hearing not later than fifteen days after receipt of the report. Any
979 evidence, including the report ordered by the court, regarding the
980 defendant's mental condition may be introduced at the hearing by
981 either party. Any staff member of the diagnostic unit who participated
982 in the examination of the defendant and who signed the report may
983 testify as to the contents of the report. The defendant may waive the
984 court hearing.

985 (c) If at such hearing the court finds the defendant is not in need of
986 custody, care and treatment at the [division] hospital, it shall sentence
987 [him] the defendant in accordance with the conviction or place [him]
988 the defendant on probation. If the court finds that [such person] the
989 defendant is in need of outpatient psychiatric treatment, it may place
990 [him] the defendant on probation on condition that [he] the defendant
991 receive such treatment. If the court finds [such person] the defendant
992 to have psychiatric disabilities and to be dangerous to himself, herself
993 or others and to require custody, care and treatment at the [division]
994 hospital, it shall sentence [him] the defendant in accordance with the
995 conviction and order confinement in the [division] hospital for
996 custody, care and treatment provided no court may order such
997 confinement if the report does not recommend confinement at the
998 [division] hospital. The defendant shall not be subject to custody, care
999 and treatment under sections 17a-560 to [17a-576] 17a-575, inclusive, as
1000 amended by this act, beyond the maximum period specified in the
1001 sentence.

1002 Sec. 37. Section 17a-568 of the general statutes is repealed and the
1003 following is substituted in lieu thereof (*Effective from passage*):

1004 Nothing in sections 17a-560 to [17a-576] 17a-575, inclusive, as
1005 amended by this act, shall affect proceedings under sections 17a-580 to
1006 17a-602, inclusive, 17b-250 and 54-56d.

1007 Sec. 38. Section 17a-569 of the general statutes is repealed and the
1008 following is substituted in lieu thereof (*Effective from passage*):

1009 Not less than once every six months the staff of the [institute]
1010 hospital shall give a complete psychiatric examination to every patient
1011 confined in the [division] hospital. As used in this section and sections
1012 17a-570 to 17a-573, inclusive, as amended by this act, the word
1013 "patient" means any person confined for custody, care and treatment
1014 under section 17a-567, as amended by this act. Such examination shall
1015 ascertain whether the patient has psychiatric disabilities and is in need
1016 of custody, care and treatment at the [division] hospital and, in making
1017 such determination, the staff shall assemble such information and
1018 follow such procedures as are used in initial examinations by the
1019 diagnostic unit to indicate the need for custody, care and treatment.
1020 The record of the examination shall include the information required
1021 in subdivisions (1), (2) and (3) of subsection (d) of section 17a-566, as
1022 amended by this act, and a recommendation for the future treatment of
1023 the patient examined. The record of the examination may include a
1024 recommendation for transfer of the patient or change in confinement
1025 status.

1026 Sec. 39. Section 17a-570 of the general statutes is repealed and the
1027 following is substituted in lieu thereof (*Effective from passage*):

1028 (a) As soon as is practicable, the director of the Whiting Forensic
1029 [Division] Hospital shall act upon the examination reports of the
1030 director's staff. Upon review of each report and upon consideration of
1031 what is for the benefit of the patient and for the benefit of society, the
1032 director shall determine whether such patient: (1) Is to remain in the
1033 [division] hospital for further treatment, or (2) has sufficiently
1034 improved to warrant discharge from the [division] hospital, provided
1035 if such patient was sentenced and confined in the [division] hospital
1036 under section 17a-567, as amended by this act, such patient shall not be
1037 released except upon order of the court by which such patient was
1038 confined under said section, after notice to said court by the director.
1039 The director shall report each determination made under this
1040 subsection to the court by which the patient was confined in the
1041 [division] hospital.

1042 (b) If a report submitted by the director to the court under
1043 subsection (a) of this section recommends that the patient be returned
1044 to the custody of the Commissioner of Correction, the court shall set
1045 the matter for a hearing not later than fifteen days after receipt of such
1046 report.

1047 (c) The court, upon its own motion or at the request of the patient or
1048 the patient's attorney, may at any time hold a hearing to determine
1049 whether such patient should be discharged from the [division] hospital
1050 prior to the expiration of the maximum period of the patient's
1051 sentence. Prior to such hearing, the [division] hospital shall file a
1052 report with the court concerning the patient's mental condition. The
1053 court may appoint a physician specializing in psychiatry to examine
1054 the patient and report to the court. Such hearing shall be held at least
1055 once every five years. If the court determines that the patient should be
1056 discharged from the [division] hospital, the patient shall be returned to
1057 the custody of the Commissioner of Correction.

1058 Sec. 40. Section 17a-572 of the general statutes is repealed and the
1059 following is substituted in lieu thereof (*Effective from passage*):

1060 All certificates, applications, records and reports made for the
1061 purpose of sections 17a-560 to [17a-576] 17a-575, inclusive, as amended
1062 by this act, and directly or indirectly identifying a person subject to it
1063 shall be kept confidential and shall not be disclosed by any person
1064 except so far (1) as the individual identified or his legal guardian, if
1065 any, or, if he is a minor, his parent or legal guardian, consents or (2) as
1066 disclosure may be necessary to carry out any of the provisions of said
1067 sections or (3) as a court may direct upon its determination that
1068 disclosure is necessary for the conduct of proceedings before it and
1069 that failure to make such disclosure would be contrary to the public
1070 interest.

1071 Sec. 41. Section 17a-573 of the general statutes is repealed and the
1072 following is substituted in lieu thereof (*Effective from passage*):

1073 Within two months prior to the expiration of the maximum term of

1074 confinement authorized for any patient under section 17a-567, as
1075 amended by this act, the director of the [division] hospital may, upon
1076 the recommendation of the board, initiate proceedings under section
1077 17a-497 or 17a-520, as amended by this act, for the commitment or
1078 further commitment, as the case may be, of the patient.

1079 Sec. 42. Section 17a-574 of the general statutes is repealed and the
1080 following is substituted in lieu thereof (*Effective from passage*):

1081 Nothing in sections 17a-560 to [17a-576] 17a-575, inclusive, as
1082 amended by this act, shall be construed to extend to or affect any case
1083 in the Superior Court involving a juvenile matter, or to any person
1084 arrested for an offense which is not punishable by imprisonment for
1085 more than one year or by a fine of not more than one thousand dollars
1086 or both or except as provided in section 46b-127.

1087 Sec. 43. Section 17a-575 of the general statutes is repealed and the
1088 following is substituted in lieu thereof (*Effective from passage*):

1089 Nothing in sections 17a-560 to [17a-576] 17a-575, inclusive, as
1090 amended by this act, shall be construed to limit or suspend the writ of
1091 habeas corpus.

1092 Sec. 44. Subsection (d) of section 45a-656 of the 2018 supplement to
1093 the general statutes is repealed and the following is substituted in lieu
1094 thereof (*Effective from passage*):

1095 (d) The conservator of the person shall not have the power or
1096 authority to cause the respondent to be committed to any institution
1097 for the treatment of the mentally ill except under the provisions of
1098 sections 17a-75 to 17a-83, inclusive, 17a-456 to 17a-484, inclusive, 17a-
1099 495 to 17a-528, inclusive, as amended by this act, 17a-540 to 17a-550,
1100 inclusive, 17a-560 to [17a-576] 17a-575, inclusive, as amended by this
1101 act, 17a-615 to 17a-618, inclusive, and 17a-621 to 17a-664, inclusive, and
1102 chapter 359.

1103 Sec. 45. Subsection (d) of section 45a-656 of the 2018 supplement to
1104 the general statutes, as amended by section 4 of public act 17-7, is

1105 repealed and the following is substituted in lieu thereof (*Effective July*
1106 *1, 2018*):

1107 (d) The conservator of the person shall not have the power or
1108 authority to cause the respondent to be committed to any institution
1109 for the treatment of the mentally ill except under the provisions of
1110 sections 17a-75 to 17a-83, inclusive, 17a-456 to 17a-484, inclusive, 17a-
1111 495 to 17a-528, inclusive, as amended by this act, 17a-540 to 17a-550,
1112 inclusive, 17a-560 to [17a-576] 17a-575, inclusive, as amended by this
1113 act, 17a-615 to 17a-618, inclusive, and 17a-621 to 17a-664, inclusive, and
1114 chapter 359.

1115 Sec. 46. Subsection (e) of section 45a-677 of the 2018 supplement to
1116 the general statutes is repealed and the following is substituted in lieu
1117 thereof (*Effective from passage*):

1118 (e) A plenary guardian or limited guardian shall not have the power
1119 or authority: (1) To cause the protected person to be admitted to any
1120 institution for treatment of the mentally ill, except in accordance with
1121 the provisions of sections 17a-75 to 17a-83, inclusive, 17a-456 to 17a-
1122 484, inclusive, 17a-495 to 17a-528, inclusive, as amended by this act,
1123 17a-540 to 17a-550, inclusive, 17a-560 to [17a-576] 17a-575, inclusive, as
1124 amended by this act, 17a-615 to 17a-618, inclusive, and 17a-621 to 17a-
1125 664, inclusive, and chapter 420b; (2) to cause the protected person to be
1126 admitted to any training school or other facility provided for the care
1127 and training of persons with intellectual disability if there is a conflict
1128 concerning such admission between the guardian and the protected
1129 person or next of kin, except in accordance with the provisions of
1130 sections 17a-274 and 17a-275; (3) to consent on behalf of the protected
1131 person to a sterilization, except in accordance with the provisions of
1132 sections 45a-690 to 45a-700, inclusive; (4) to consent on behalf of the
1133 protected person to psychosurgery, except in accordance with the
1134 provisions of section 17a-543; (5) to consent on behalf of the protected
1135 person to the termination of the protected person's parental rights,
1136 except in accordance with the provisions of sections 45a-706 to 45a-709,
1137 inclusive, 45a-715 to 45a-718, inclusive, 45a-724 to 45a-737, inclusive,

1138 and 45a-743 to 45a-757, inclusive; (6) to consent on behalf of the
1139 protected person to the performance of any experimental biomedical
1140 or behavioral medical procedure or participation in any biomedical or
1141 behavioral experiment, unless it (A) is intended to preserve the life or
1142 prevent serious impairment of the physical health of the protected
1143 person, (B) is intended to assist the protected person to regain the
1144 protected person's abilities and has been approved for the protected
1145 person by the court, or (C) has been (i) approved by a recognized
1146 institutional review board, as defined by 45 CFR 46, 21 CFR 50 and 21
1147 CFR 56, as amended from time to time, which is not a part of the
1148 Department of Developmental Services, (ii) endorsed or supported by
1149 the Department of Developmental Services, and (iii) approved for the
1150 protected person by such protected person's primary care physician;
1151 (7) to admit the protected person to any residential facility operated by
1152 an organization by whom such guardian is employed, except in
1153 accordance with the provisions of section 17a-274; (8) to prohibit the
1154 marriage or divorce of the protected person; and (9) to consent on
1155 behalf of the protected person to an abortion or removal of a body
1156 organ, except in accordance with applicable statutory procedures
1157 when necessary to preserve the life or prevent serious impairment of
1158 the physical or mental health of the protected person.

1159 Sec. 47. Section 18-101f of the general statutes is repealed and the
1160 following is substituted in lieu thereof (*Effective from passage*):

1161 A personnel or medical file or similar file concerning a current or
1162 former employee of the Division of Public Defender Services,
1163 Department of Correction or the Department of Mental Health and
1164 Addiction Services, including, but not limited to, a record of a security
1165 investigation of such employee by the department or division or an
1166 investigation by the department or division of a discrimination
1167 complaint by or against such employee, shall not be subject to
1168 disclosure under the Freedom of Information Act, as defined in section
1169 1-200, to any individual committed to the custody or supervision of the
1170 Commissioner of Correction or confined in a facility of the Whiting
1171 Forensic [Division of the Connecticut Valley] Hospital. For the

1172 purposes of this section, an "employee of the Department of
1173 Correction" includes a member or employee of the Board of Pardons
1174 and Paroles within the Department of Correction.

1175 Sec. 48. Subsection (a) of section 46a-152 of the 2018 supplement to
1176 the general statutes is repealed and the following is substituted in lieu
1177 thereof (*Effective from passage*):

1178 (a) No provider or assistant may use involuntary physical restraint
1179 on a person at risk except (1) as an emergency intervention to prevent
1180 immediate or imminent injury to the person at risk or to others,
1181 provided the restraint is not used for discipline or convenience and is
1182 not used as a substitute for a less restrictive alternative, (2) as
1183 necessary and appropriate, as determined on an individual basis by
1184 the person's treatment team and consistent with sections 17a-540 to
1185 17a-550, inclusive, for the transportation of a person under the
1186 jurisdiction of the Whiting Forensic [Division] Hospital of the
1187 Department of Mental Health and Addiction Services.

1188 Sec. 49. Subsection (a) of section 12-19a of the general statutes is
1189 repealed and the following is substituted in lieu thereof (*Effective from*
1190 *passage*):

1191 (a) Until the fiscal year commencing July 1, 2016, on or before
1192 January first, annually, the Secretary of the Office of Policy and
1193 Management shall determine the amount due, as a state grant in lieu of
1194 taxes, to each town in this state wherein state-owned real property,
1195 reservation land held in trust by the state for an Indian tribe, a
1196 municipally owned airport, or any airport owned by the Connecticut
1197 Airport Authority, other than Bradley International Airport, except
1198 that which was acquired and used for highways and bridges, but not
1199 excepting property acquired and used for highway administration or
1200 maintenance purposes, is located. The grant payable to any town
1201 under the provisions of this section in the state fiscal year commencing
1202 July 1, 1999, and each fiscal year thereafter, shall be equal to the total of
1203 (1) (A) one hundred per cent of the property taxes which would have
1204 been paid with respect to any facility designated by the Commissioner

1205 of Correction, on or before August first of each year, to be a
1206 correctional facility administered under the auspices of the
1207 Department of Correction or a juvenile detention center under
1208 direction of the Department of Children and Families that was used for
1209 incarcerative purposes during the preceding fiscal year. If a list
1210 containing the name and location of such designated facilities and
1211 information concerning their use for purposes of incarceration during
1212 the preceding fiscal year is not available from the Secretary of the State
1213 on the first day of August of any year, said commissioner shall, on said
1214 first day of August, certify to the Secretary of the Office of Policy and
1215 Management a list containing such information, (B) one hundred per
1216 cent of the property taxes which would have been paid with respect to
1217 that portion of the John Dempsey Hospital located at The University of
1218 Connecticut Health Center in Farmington that is used as a permanent
1219 medical ward for prisoners under the custody of the Department of
1220 Correction. Nothing in this section shall be construed as designating
1221 any portion of The University of Connecticut Health Center John
1222 Dempsey Hospital as a correctional facility, and (C) in the state fiscal
1223 year commencing July 1, 2001, and each fiscal year thereafter, one
1224 hundred per cent of the property taxes which would have been paid
1225 on any land designated within the 1983 Settlement boundary and
1226 taken into trust by the federal government for the Mashantucket
1227 Pequot Tribal Nation on or after June 8, 1999, (2) subject to the
1228 provisions of subsection (c) of this section, sixty-five per cent of the
1229 property taxes which would have been paid with respect to the
1230 buildings and grounds comprising Connecticut Valley Hospital and
1231 Whiting Forensic Hospital in Middletown. Such grant shall commence
1232 with the fiscal year beginning July 1, 2000, and continuing each year
1233 thereafter, (3) notwithstanding the provisions of subsections (b) and (c)
1234 of this section, with respect to any town in which more than fifty per
1235 cent of the property is state-owned real property, one hundred per cent
1236 of the property taxes which would have been paid with respect to such
1237 state-owned property. Such grant shall commence with the fiscal year
1238 beginning July 1, 1997, and continuing each year thereafter, (4) subject
1239 to the provisions of subsection (c) of this section, forty-five per cent of

1240 the property taxes which would have been paid with respect to all
1241 other state-owned real property, (5) forty-five per cent of the property
1242 taxes which would have been paid with respect to all municipally
1243 owned airports or any airport owned by the Connecticut Airport
1244 Authority, other than Bradley International Airport, except for the
1245 exemption applicable to such property, on the assessment list in such
1246 town for the assessment date two years prior to the commencement of
1247 the state fiscal year in which such grant is payable. The grant provided
1248 pursuant to this section for any municipally owned airport or any
1249 airport owned by the Connecticut Airport Authority, other than
1250 Bradley International Airport, shall be paid to any municipality in
1251 which the airport is located, except that the grant applicable to
1252 Sikorsky Airport shall be paid half to the town of Stratford and half to
1253 the city of Bridgeport, and (6) forty-five per cent of the property taxes
1254 which would have been paid with respect to any land designated
1255 within the 1983 Settlement boundary and taken into trust by the
1256 federal government for the Mashantucket Pequot Tribal Nation prior
1257 to June 8, 1999, or taken into trust by the federal government for the
1258 Mohegan Tribe of Indians of Connecticut, provided (A) the real
1259 property subject to this subdivision shall be the land only, and shall
1260 not include the assessed value of any structures, buildings or other
1261 improvements on such land, and (B) said forty-five per cent grant shall
1262 be phased in as follows: (i) In the fiscal year commencing July 1, 2012,
1263 an amount equal to ten per cent of said forty-five per cent grant, (ii) in
1264 the fiscal year commencing July 1, 2013, thirty-five per cent of said
1265 forty-five per cent grant, (iii) in the fiscal year commencing July 1,
1266 2014, sixty per cent of said forty-five per cent grant, (iv) in the fiscal
1267 year commencing July 1, 2015, eighty-five per cent of said forty-five
1268 per cent grant, and (v) in the fiscal year commencing July 1, 2016, one
1269 hundred per cent of said forty-five per cent grant.

1270 Sec. 50. Subparagraph (D) of subdivision (1) of subsection (b) of
1271 section 12-18b of the general statutes is repealed and the following is
1272 substituted in lieu thereof (*Effective from passage*):

1273 (D) Subject to the provisions of subsection (c) of section 12-19a,

1274 sixty-five per cent of the property taxes that would have been paid
 1275 with respect to the buildings and grounds comprising Connecticut
 1276 Valley Hospital and Whiting Forensic Hospital in Middletown;

1277 Sec. 51. Sections 17a-451b, 17a-560a and 17a-576 of the general
 1278 statutes and section 20-185n of the 2018 supplement to the general
 1279 statutes are repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	19a-490(a)
Sec. 3	<i>from passage</i>	1-210(b)(18)
Sec. 4	<i>from passage</i>	1-210(c)
Sec. 5	<i>from passage</i>	5-145a
Sec. 6	<i>from passage</i>	5-173
Sec. 7	<i>from passage</i>	5-192f(d)
Sec. 8	<i>from passage</i>	17a-450(b)
Sec. 9	<i>from passage</i>	17a-450(c)(3)
Sec. 10	<i>from passage</i>	17a-450a(a)
Sec. 11	<i>from passage</i>	17a-458(c)
Sec. 12	<i>from passage</i>	17a-470
Sec. 13	<i>from passage</i>	17a-471a
Sec. 14	<i>from passage</i>	17a-472
Sec. 15	<i>from passage</i>	17a-495
Sec. 16	<i>from passage</i>	17a-496
Sec. 17	<i>from passage</i>	17a-497(b)
Sec. 18	<i>from passage</i>	17a-498(g)
Sec. 19	<i>from passage</i>	17a-499
Sec. 20	<i>from passage</i>	17a-500(a)
Sec. 21	<i>from passage</i>	17a-501
Sec. 22	<i>from passage</i>	17a-504
Sec. 23	<i>from passage</i>	17a-505
Sec. 24	<i>from passage</i>	17a-517
Sec. 25	<i>from passage</i>	17a-519
Sec. 26	<i>from passage</i>	17a-521
Sec. 27	<i>from passage</i>	17a-525
Sec. 28	<i>from passage</i>	17a-528(a)
Sec. 29	<i>from passage</i>	17a-548(a)

Sec. 30	<i>from passage</i>	17a-560
Sec. 31	<i>from passage</i>	17a-561
Sec. 32	<i>from passage</i>	17a-562
Sec. 33	<i>from passage</i>	17a-564
Sec. 34	<i>from passage</i>	17a-565
Sec. 35	<i>from passage</i>	17a-566
Sec. 36	<i>from passage</i>	17a-567
Sec. 37	<i>from passage</i>	17a-568
Sec. 38	<i>from passage</i>	17a-569
Sec. 39	<i>from passage</i>	17a-570
Sec. 40	<i>from passage</i>	17a-572
Sec. 41	<i>from passage</i>	17a-573
Sec. 42	<i>from passage</i>	17a-574
Sec. 43	<i>from passage</i>	17a-575
Sec. 44	<i>from passage</i>	45a-656(d)
Sec. 45	<i>July 1, 2018</i>	45a-656(d)
Sec. 46	<i>from passage</i>	45a-677(e)
Sec. 47	<i>from passage</i>	18-101f
Sec. 48	<i>from passage</i>	46a-152(a)
Sec. 49	<i>from passage</i>	12-19a(a)
Sec. 50	<i>from passage</i>	12-18b(b)(1)(D)
Sec. 51	<i>from passage</i>	New section

Statement of Legislative Commissioners:

In Section 15, revisions to Subsecs. (c) and (d) were added for consistency with standard drafting conventions and other provisions of the bill.

PH *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Mental Health & Addiction Serv., Dept.	GF - Cost	1 million	3.1 million
State Comptroller - Fringe Benefits ¹	GF - Cost	363,300	1.1 million

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes conforming statutory changes to Executive Order No. 63, which designated the Whiting Forensic Division of Connecticut Valley Hospital (CVH) as a separate entity from CVH, effective 12/31/2017. DMHAS will experience a cost to support necessary staff at the new Whiting Forensic Hospital as well as CVH to ensure the institutions are separate and distinct entities. Based on an initial evaluation, the anticipated cost to support thirty employees (including Behavioral Health Clinical Managers, Advanced Nurse Practitioners, and pharmacy staff) is approximately \$1 million in FY 19 and \$3.1 million in FY 20 when fully annualized (with associated fringe costs of \$363,300 in FY 19 and \$1.1 million in FY 20).

The bill also establishes a task force to review and evaluate the duties and operations of the Department of Mental Health and Addiction Services (DMHAS) and requires a final report by January 1, 2020, which has no fiscal impact as agency participants have the ability

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 36.33% of payroll in FY 19 and FY 20.

to meet the provisions of the bill.

The bill makes other changes that have no fiscal impact as they are conforming and technical in nature.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 406*****AN ACT CONCERNING THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES, CONNECTICUT VALLEY HOSPITAL AND WHITING FORENSIC HOSPITAL.*****SUMMARY**

This bill establishes a seven-member task force to review and evaluate the Department of Mental Health and Addiction Services' (DMHAS) duties and operations, including those related to Connecticut Valley Hospital (CVH) and Whiting Forensic Hospital. It requires the task force to submit to the Public Health Committee a preliminary report by January 1, 2019 and a final report by January 1, 2020.

Additionally, the bill makes minor, technical, and conforming changes in various statutes to reflect Whiting Forensic Hospital's separation from CVH, pursuant to 2017 Executive Order 63. As under current law, Whiting Forensic Hospital remains under DMHAS control and supervision. But the bill subjects it to Department of Public Health (DPH) licensure and regulation, which it is currently exempt from.

By law, Whiting Forensic Hospital, under maximum security conditions, generally provides care for patients with psychiatric issues, some of whom have been convicted of serious offenses or were found incompetent to stand trial.

EFFECTIVE DATE: Upon passage, except for a technical change (§ 45), which takes effect July 1, 2018.

§ 1 — DMHAS TASK FORCE***Membership***

The bill establishes a seven-member task force to review and

evaluate DMHAS's duties and operations, including the operations, conditions, and finances of CVH and Whiting Forensic Hospital. Task force members include:

1. two members appointed by the House speaker, (a) one of whom must hold a doctor of nursing science or practice degree and have experience caring for veterans and (b) one of whom must be a former or current union member with a background in nursing and legislative experience;
2. one member appointed by the Senate president pro tempore who must be a UConn-affiliated forensic psychiatrist;
3. one member appointed by the House majority leader, who must be a former or current administrator of a hospital with at least 200 beds;
4. one member appointed by the Senate majority leader, who must be a patient advocate or a representative of a nonprofit organization that provides behavioral health services;
5. one member appointed by the House minority leader, who must be a former DMHAS or DPH commissioner or deputy commissioner; and
6. one member appointed by the Senate minority leader, who must have experience in law enforcement, corrections, or working in a secured facility.

The appointing authorities must make all appointments no later than 30 days after the bill's passage and fill any vacancies. Any task force member may be a legislator.

The bill requires the chairperson to be selected from among the task force members (it does not specify who makes the selection). The chairperson must schedule the first meeting no later than 60 days after the bill's passage. The Public Health Committee's administrative staff must serve as the task force's administrative staff.

Report

The bill requires the task force to submit to the Public Health Committee a (1) preliminary report on its findings and recommendations by January 1, 2019 and (2) final report by January 1, 2020. The task force terminates on the date it submits the final report or January 1, 2020, whichever is later.

§§ 2-50 — WHITING FORENSIC HOSPITAL

In December 2017, the governor issued Executive Order 63, which designated Whiting Forensic Hospital as an independent division within DMHAS, instead of a division of CVH. The bill effectuates the executive order by making various minor, technical, and conforming changes to reflect the hospital's separation from CVH.

As under current law, Whiting Forensic Hospital remains under DMHAS administrative control and supervision. But the bill subjects it to DPH regulation by adding Whiting Forensic Hospital to the statutory definition of health care "institution." In doing so, the bill subjects Whiting Forensic Hospital to DPH hospital licensure, inspection, and complaint investigation requirements. Under current law, state psychiatric hospitals are not licensed and are exempt from DPH regulation.

DMHAS Control (§ 14)

The bill requires the director of Whiting Forensic Hospital to report to the DMHAS commissioner, instead of CVH's director of forensic services.

Searches of Patients' Personal Belongings (§ 29)

Current law prohibits Whiting Forensic Hospital patients from being present when their personal belongings are searched. The bill limits this prohibition to only patients in the hospital's maximum security service, and not those in other units.

§ 51 — REPEALERS

The bill repeals obsolete provisions:

1. requiring DMHAS to complete a program at CVH to consolidate inpatient mental and substance abuse services (CGS § 17a-451b);
2. substituting “Whiting Forensic Institute” for “Whiting Forensic Division” in various statutes (CGS § 17a-560a);
3. establishing an effective date for statutes on the evaluation and treatment of certain individuals with psychiatric disabilities who commit crimes (CGS § 17a-576); and
4. establishing a behavior analyst licensing fee expense account within the General Fund to contain behavior analyst license fees to cover necessary DPH staff and equipment costs to collect the fees (DPH now funds the licensure program through its General Fund appropriation and no longer needs a dedicated account) (CGS § 20-185n).

BACKGROUND

Related Bills

sSB 16, favorably reported by the Public Health Committee, also subjects Whiting Forensic Hospital to DPH licensure and regulation and makes similar statutory changes to effectuate the hospital’s separation from CVH.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 26 Nay 0 (03/26/2018)